

REMARKS

Election / Restriction

The election of Group I is hereby affirmed.

Rejections Under 35 U.S.C. §112

Claim 4 was rejected under 35 U.S.C. §112, second paragraph as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter in the invention. More specifically, Claim 4 and Claim 1 were deemed to be inconsistent. Claim 1 recites that the hard to incorporate additive is added to the base material after the base material enters the extruder and before it exits the extruder. Claim 4 recites the position at which the hard to incorporate additive(s) are introduced to the extruder, namely at the initial position. As noted in paragraph 20, the hard to incorporate additive can be added to the base material after the base material has traveled through a portion of the extruder body (shown as #48 in Figure 1) or it can be added between the exit of the pre-mix hopper and the beginning of the main extruder body (shown as #48 in Figure 2). Whether the hard to incorporate additive is added at the initial position of the extruder or somewhere along the body of the extruder, it is still added after the base material enters the extruder. Thus, the two claims are not inconsistent.

Rejections Under 35 U.S.C. §102

Claims 1 through 7, 9 and 10 were rejected under 35 U.S.C. §102(b) as allegedly being anticipated by Koike et al (European Patent Application EP 1 253 174). This rejection is respectfully traversed.

Koike teaches a method of producing a polyester powdery coating material wherein the curable polyester resin and the curing agent are each dispersed in a solvent prior to extrusion (or "kneading"). Claim 1 has been amended to recite that the process claimed therein is directed to a base material comprising as dry ingredients a resin and a curing agent. This is quite distinct from the Koike method, which does not teach or remotely suggest using a resin and a curing agent in dry form; indeed, the novelty of the Koike method appears to be the dispersion of these two starting ingredients in a solvent. Support for the amendment is found, for

example in paragraph 3 and 8 of the present specification. Moreover, it is submitted that it would be clear that the base material can comprise other dry ingredients in addition to the resin and curing agent, including additional resin(s) and/or curing agent(s). Thus Koike does not teach the method as presently recited in Claims 1 through 7, 9 and 10.

Rejections Under 35 U.S.C. §103

Claim 11 was rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Koike. This rejection is respectfully traversed, for the reasons given above. Koike does not teach or suggest the present processes involving the use of a dry resin and a curing agent.

Claims 8, 13 through 15, 21 and 22 were rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Koike in view of Jaffe et al. (U.S. Patent No. 5,856,508). This rejection is respectfully traversed.

Koike is acknowledged as failing to teach that the hard to incorporate additive comprises pigments dispersed in a dried liquid pigment dispersion. Jaffe is cited as allegedly overcoming this shortcoming. There is no teaching or suggestion in either Jaffe or Koike to combine the teachings of the references to arrive at the present invention. If any motivation for combining the references does exist, which applicants to not concede, it is found in the present specification.

Claims 17 through 19, 23 and 24 were rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Koike in view of Jaffe and further in view of Chang, et al. (U.S. Patent No. 4,973,439). This rejection is respectfully traversed.

Again, Koike does not teach or suggest the processes as now claimed. The citation to Jaffe and Chang does not overcome this shortcoming. Jaffe appears to be directed to pigment dispersions and Chang appears to be directed to processes for making toner, which does not include a resin and crosslinker. There is no motivation to combine the references in the manner suggested in the Office Action to arrive at the present invention.

SUMMARY

The independent claims have been amended to clearly distinguish over the cited art. It is respectfully submitted that the present claims are therefore now in condition for a Notice of Allowance. Such action is respectfully requested at an early date.

Respectfully submitted,



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